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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/904,699      | 07/13/2001  | Rajendra Sisodia     | B-18                | 4754             |

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CHARLES G. CALL  
68 HORSE POND ROAD  
WEST YARMOUTH, MA 02673-2516

EXAMINER

TODD, GREGORY G

ART UNIT PAPER NUMBER

2157

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/904,699

**Applicant(s)**

SISODIA ET AL.

**Examiner**

Gregory G Todd

**Art Unit**

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is a first office action in response to application filed, with the above serial number, on 13 July 2001 in which claims 1-39 are presented for examination and claim priority of 60/218,374 filed 13 July 2000. Claims 1-39 are therefore pending in the application.

### ***Specification***

2. The abstract of the disclosure is objected to because the length of the abstract is too long. See MPEP § 608.01(f): A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims.. Correction is required. See MPEP § 608.01(b).

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The specification lacks antecedent basis for "IrDA Object Exchange Protocol" and "IrDA Link Access Protocol".

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, there must be at least a flow chart illustrating the method claims; an installation command; email services; file synchronization; a third transceiver; means operable by said user when said portable computing device is near said host computer for causing said host computer to

download a communications program; means for initiating the execution of said communications program; and means for initiating the execution for said applications program must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Objections***

4. Claim 5 is objected to because of the following informalities: The claim does not commence properly with a period. Appropriate correction is required.

Claim 1 is objected to because of the following informalities: The claim limitation on line 6 does not commence properly with a comma or semicolon. Appropriate correction is required.

Claim 13 is objected to because of the following informalities: The claim limitation on line 14 wherein "fo" is suggested to be replaced with "for". Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "The method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "said application program" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble appears to be out of order and is indefinite as line 1 of the claim is hereby not incorporated into the claim as examined.

Claim 24 recites the limitation " said short-range communications link " in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 25 recites the limitation " said bi-directional infrared communications link " in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claims 37-39 recite the limitation " said data services " in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation " said remote computer " in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation " said remote data processing device " in line 11. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation " said portable computing device " in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation " said portable data processing device " in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation " said mobile user " in line 15. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Schuster et al (hereinafter "Schuster", 6,795,429) .

Schuster teaches the invention as claimed including short-range bi-directional communications between a portable device and a host computer.

As per Claim 1, Schuster teaches a method of transferring programs and data to a portable programmable data processing device from a host computer comprising, in combination, the steps of:

placing said host computer at location accessible to a user transporting said portable computing device (at least Fig. 1; voice comm. device),

accepting an installation command from said user at said host computer when said user and said portable data processing device are near said host computer (at least Fig. 1; PID being near voice comm. device),

executing a program at said host computer in response to said installation command to establish a short-range bi-directional communications link between said host computer and said portable data processing device and to download a communications program from said remote computer to said portable data processing device via said short range communications link (at least col. 15, lines 3-16; application in the first data network telephone to receive data from PID drawing application),

executing said communications program on said remote data processing device to transfer one or more specified files from said host computer to said portable data processing device (at least col. 14 line 58 - col. 15 line 40; using graphical data application).



As per Claim 2. The method set forth in claim 1 wherein said step of accepting all installation command comprises using an actuator at said host computer manually operable by said user (keypad interface) (at least col. 11, lines 12-18).

As per Claim 3. The method as set forth in claim 1 wherein said one or more specified files include an application program executable by said portable computing device.

As per Claim 4. The method as set forth in claim 3 further including the step of automatically executing said application program on said portable computer device after it is transferred.

As per Claim 5. The method as set forth in claim 1 wherein said short-range bi-directional communications link is an infrared communications link (at least col. 15, lines 45-67; IrDA).

As per Claim 6. The method as set forth in claim 5 wherein said infrared communications link operates in accordance with the IrDA Protocol (at least col. 15, lines 45-67; IrDA).

As per Claim 7. The method as set forth in claim 6 wherein said one or more specified files are transferred from said host computer to said portable computing device using the IrDA Object Exchange Protocol (at least col. 15, lines 45-67; IrOBEX).

As per Claim 8. The method of claim 1 wherein said short-range bi-directional communications link is an ultra high frequency radio link (at least col. 14, lines 4-13; bluetooth).

As per Claim 9. The method of claim 8 wherein said short-range bi-directional communications link operates in accordance with the Bluetooth Specification (at least col. 14, lines 4-13; bluetooth).

As per Claim 10. The method as set forth in claim 1 further comprising establishing longer range communications link for transferring programs and data between one or more remote computers and said portable computing device via said host computer (at least Fig. 2; col. 7, lines 22-48; eg. Internet over PSTN/DSL, etc).

As per Claim 11. The method as set forth in claim 8 wherein said longer range communications link is a network connection to a server, which stores programs and data for use by said portable computing device (at least Fig. 2; col. 7, lines 22-48; col. 7, lines 34-48; Fig. 2; eg. Internet connecting to server).

As per Claim 12. The method as set forth in claim 11 wherein said network connection is a wireless network connection (at least Fig. 2; col. 6, lines 19-30; wireless links).

As per Claim 13, Schuster teaches an apparatus for providing information and data processing services to a mobile user which comprises, in combination,

a portable programmable computing device carried by said user (at least Fig. 2; PID),

a host computer positioned at a location accessible to said user (at least Fig. 2, 1; voice comm. device),

a short range communication link coupling said portable computing device to said host computer (at least col. 5, lines 53-61; Fig. 1, 2; eg. infrared),

means operable by said user when said portable computing device is near said host computer for causing said host computer to download a communications program via said short range communication link to said portable communications device (at least col. 15, lines 3-16; application in the first data network telephone to receive data from PID drawing application),

means for initiating the execution of said communications program on said remote computing device after said download to transfer an applications program from said host computer to said portable computing device (at least col. 14 line 58 - col. 15 line 40; implementing PID drawing application), and

means for initiating the execution for said applications program to provide said information and data processing services to said mobile user (at least col. 14 line 58 - col. 15 line 40; third PID drawing application being initialized for display).

As per Claim 23, Schuster teaches a communications bridge for establishing a bi-directional communications link between a portable computing device carried by a user and a remote computer, said bridge being positioned at a location accessible to said user and comprising, in combination,

a first transceiver for establishing a short range bi-directional communications link to said portable computing device when said portable computing device is carried near to said bridge by said user (at least col. 15, lines 52-67; IrDA),

a second transceiver for establishing a longer range bi-directional communications link to said remote computer (at least col. 5, lines 5-61; bluetooth, wireless),

an actuator manually operable by said user (keypad interface at PID or data network telephone) (at least col. 11, lines 12-18; col. 14, lines 22-45),

a processor connected to said first transceiver and responsive to the operation of said actuator by said user when said user and said portable computing device are near to said bridge for downloading a communications program executable by said portable computing device and for thereafter controlling said first and said second transceivers to establish said communications link (at least col. 14 line 58 - col. 15 line 40; col. 10 line 48 - col. 11 line 11; using graphical data application with processor and link interfaces). As per Claim 30, Schuster teaches an interactive publicly viewable display for attracting the attention of and providing data services to a user transporting a portable computing device into the vicinity of said interactive display, said interactive display comprising, in combination,

means for visually exhibiting displayed information to said user (at least col. 14, lines 22-45; display output),

a transceiver for providing a short range communication link between said interactive display and said portable computing device (at least col. 14, lines 1-21; col. 15, lines 52-67; IrDA), and

a processor coupled to said portable computing device via said transceiver for providing said data services (at least col. 14, lines 46-67; processor including communication software).

As per Claim 22. Apparatus as set forth in claim 21, wherein said longer-range communications link is a local area network (at least Fig. 2; Ethernet LAN).

As per Claim 28. A communications bridge as set forth in claim 24 further including a third transceiver for establishing a short range bi-directional ultrahigh frequency radio communications link with a portable computing device (at least Fig. 3; col. 10, lines 53-67; col. 5, lines 53-61; eg. bluetooth).

As per Claim 37. An interactive display as set forth in claim 36 wherein said data services include email services and wherein said remote computer operates as an email server connected to the Internet (at least col. 7, lines 5-20; email services).

As per Claim 38. An interactive display as set forth in claim 36 wherein said data services include file transfer services and wherein said remote computer operates as a file server (at least col. 7, lines 5-20; personal information manager).

As per Claim 39. An interactive display as set forth in claim 36 wherein said data services include file synchronization services for transferring data between said remote computer and said portable computing device to maintain equivalent content in like files locally stored at both said portable computing device and at said remote computer (at least col. 7, lines 5-20; synchronized notes).

Claims 14-21, 24-27, 29, and 31-36 do not add or define any additional limitations over claims 1-13, 23, and 30 and therefore are rejected for similar reasons.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bell, Hiscock, Cheung et al, StreetBeam.com, Nessett et al, and Spitzer et al are cited for disclosing pertinent information related to the claimed

invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory Todd 

Patent Examiner

Technology Center 2100

  
ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100